

REMARKS

I. Introduction

Claims 2-10, 12-20, and 22-26 are pending in the above application. Claims 1, 11, and 21 are canceled without prejudice. Claims 2, 4, 5, 14, 15, 24, and 25 were amended to be placed in independent form. Claims 6-10 were amended to depend from claim 2. Claims 16-20 were amended to depend from claim 12. Claim 26 was amended to depend from claim 22.

II. Rejections Under Prior Art

A. Claims 1, 6, 8, 10, 11, 16, 18, 20, 21, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Croy (U.S. Patent No. 6,509,908, issued January 21, 2003) in view of Alexander (U.S. Patent No. 6,177,931, issued January 23, 2001) and Goldstein (U.S. Patent No. 5,410,326, issued April 25, 1995). Claims 1, 11, and 21 have been canceled by Applicants, thereby rendering their rejection moot. Claims 6, 8, and 10 were amended to depend from independent claim 2. Claims 16, 18, and 20 were amended to depend from independent claim 12. Claim 26 was amended to depend from independent claim 22. Claims 6, 8, 10, 16, 18, 20, and 26 are patentable at least by virtue of depending from their respective base claims as shown below.

B. Claims 2, 3, 9, 12, 13, 19, 22, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Croy, Alexander, and Goldstein in view of Fries (U.S. Patent No. 6,317,885, issued November 13, 2001). Applicants respectfully disagree.

Croy discloses a hand-held device and system for monitoring and controlling electronic devices is disclosed. In one embodiment, a control device for monitoring and controlling an electronic device, includes: 1) a base unit including a microcontroller and an interface coupled to the microcontroller for receiving external information; and 2) a personal navigator coupled to the base unit via a data link, the personal navigator further including a display component for displaying a dual partition selection list including at least a portion of the external information received from the interface, the dual partition selection list further includes a first selection list and a second selection list, at least a portion of the first selection list and at least a portion of the second selection list being at least partly concurrently displayable on the display component. (Croy, Abstract)

Alexander discloses an improvement over previous Electronic Programming Guides ("EPG") in that it provides, among other things: Improved viewer interaction capabilities with the EPG; improved viewer control of video recording of future-scheduled programming; improved features to the EPG display and navigation; parental control of the EPG display; improved television program information access by the viewer; improved opportunities for the commercial advertiser to reach the viewer; improved product information access by the viewer; creation of a viewer's profile; utilization of viewer profile information to customize various aspects of the EPG; and utilization of viewer profile information to provide customized presentation of advertising to the viewer. (Alexander, Abstract)

Goldstein discloses a universal remote control device which is programmed to operate a variety of consumer products is disclosed. The device is connected over a bidirectional link to either a cable converter or a telephone interface for receiving

programming information. A touch screen display is employed on the programmable remote control device for displaying icons of functions to be selected. By selecting a particular displayed icon, a command can be decoded and sent via an infrared link to one or more appliances. Infrared codes for operating a virtually unlimited number of devices can be supplied to the device over the bidirectional communications link. Further, a provision is provided to permit a telephone connection to be set up between the user's home and a facility advertising products or services over a cable television broadcast. The touch screen display will permit the actual display of these advertisements as messages received from the cable head end system. Orders may be placed from the universal remote control device based on these displayed advertisements. (Goldstein, Abstract)

Fries discloses an interactive entertainment and information system using a television set-top box, wherein pages of information are periodically provided to the set-top box for user interaction therewith. The pages include associated meta-data defining active locations on each page. When a page is displayed, the user interacts with the active locations on the page by entering commands via a remote control device, whereby the system reads the meta-data and takes the action associated with the location. Actions include moving to other active locations, hyperlinking to other pages, entering user form data and submitting the data as a form into memory. The form data may be read from memory, and the pages may be related to a conventional television program, thereby providing significant user interactivity with the television. (Fries, Abstract)

The Examiner's attention is directed to the fact that Croy, Alexander, Goldstein, and Fries fail to disclose: "the metadata processing application of the auxiliary display

device changing the displayed predefined image on a periodic basis”, as recited in claims

2, 12, and 22. Specifically, independent claims 2, 12, and 22 recite:

2. A method of processing television content metadata in a communications system, the system including a set-top box (STB) and an auxiliary display device, the auxiliary display device including (i) a memory which stores a predefined image, (ii) a display, (iii) a processor, and (iv) a metadata processing application, the method comprising:

(a) the STB extracting television content metadata from a transport stream received by the STB, the extracted metadata defining at least one of text and images;

(b) transmitting the extracted metadata from the STB to the auxiliary display device;

(c) processing the extracted metadata in the auxiliary display device using the metadata processing application running on the processor of the auxiliary display device; and

(d) adjacently displaying on the display of the auxiliary display device

(i) the predefined image stored in the memory of the auxiliary display device, and

(ii) the at least one of text and images defined by the extracted metadata;

wherein the memory of the auxiliary display device stores a plurality of predefined images, the method further comprising: (e) the metadata processing application of the auxiliary display device changing the displayed predefined image on a periodic basis. (emphasis added)

12. A communications system for processing television content metadata, the system comprising:

(a) a set-top box (STB) which extracts television content metadata from a transport stream received by the STB, the extracted metadata defining at least one of text and images;

(b) an auxiliary display device in communication with the STB, and which receives the extracted metadata from the STB, the auxiliary display device including:

(i) a memory which stores a predefined image;

(ii) a processor;

(iii) a metadata processing application running on the processor, and which processes the extracted metadata; and

(iv) a display which displays the predefined image adjacent to the at least one of text and images defined by the extracted metadata;

wherein the memory of the auxiliary display device stores a plurality of predefined images, and the metadata processing application of the auxiliary display device changes the displayed predefined image on a periodic basis. (emphasis added)

22. An auxiliary display device for processing television content metadata, the auxiliary display device receiving television content metadata extracted from a transport stream, the extracted metadata defining at least one of text and images, the auxiliary display device comprising:

(a) a memory which stores a predefined image;

(b) a processor;
(c) a metadata processing application running on the processor, and which processes the extracted metadata; and
(d) a display which displays the predefined image adjacent to the at least one of text and images defined by the extracted metadata;
wherein the memory stores a plurality of predefined images, and the metadata processing application changes the displayed predefined image on a periodic basis.
(emphasis added)

In contrast, Fries teaches that the interactive information server 46 at the cable headend 22 (see Fries, FIG. 1) inserts a new page image in place of the old with each new cycle of the carousel 50. Clearly Fries teaches away from “the metadata processing application of the auxiliary display device changing the displayed predefined image on a periodic basis”, as recited by Applicants claims.

Therefore independent claims 2, 12, and 22 are patentable over the cited references. As such, claims 3, 9, 13, 19, and 23 are patentable at least by virtue of depending from the respective base claims.

C. Claims 7 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Croy, Alexander, and Goldstein in view of Moore (U.S. Publication No. 2001/0047298, published November 29, 2001). Applicants respectfully disagree.

The Examiner concedes that Croy, Alexander, and Goldstein fail to disclose wherein the extracted metadata is advanced television enhancement forum (ATVEF) data. In order to cure the Examiner’s perceived deficiency, Moore is cited.

Moore discloses systems and methods for providing metadata-selected advertisements. These systems and methods may receive metadata and other media, select an object, read metadata attached to or associated with the selected object, select an

advertisement based on the metadata, and display the selected advertisement. In addition, monitoring, collecting, and recording of predefined data concerning metadata selected advertisements may be provided. The invention also provides a receiver for receiving signals and/or data (e.g., programs, advertisements, program guides, metadata, etc.) and a processor for accepting a user's input signal, selecting an object, reading metadata attached to or associated with a selected object, selecting an advertisement, and displaying the selected advertisement. (Moore, Abstract)

As stated above in Section II. B., Croy, Alexander, and Goldstein fail to teach “the metadata processing application of the auxiliary display device changing the displayed predefined image on a periodic basis”. Moore does not cure this deficiency. As such, the combination of Croy, Alexander, Goldstein, and Moore fails to render claims 7 and 17 obvious. Therefore, claims 7 and 17 are patentable over Croy, Alexander, Goldstein, and Moore.

D. Claims 4, 14, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Croy, Alexander, and Goldstein in view of Thompson (U.S. Publication No. 2003/0105807, published June 5, 2003). Applicants respectfully disagree.

At the time of filing the present application, General Instrument and Aerocast were owned by Motorola. Before Motorola acquired General Instrument in 2001, Motorola jointly owned Aerocast with Liberty Media. After Motorola acquired General Instrument in 2001, Motorola acquired Liberty Media's interest in Aerocast and absorbed Aerocast. Thus, although the present application is assigned to General Instrument and

the Thompson reference is assigned to Aerocast, the present application and the Thompson reference are both commonly owned by Motorola. As such, the rejection of claims 4, 14, and 24 in view of the Thompson reference is improper. Withdrawal of the rejection is respectfully requested.

D. Claims 5, 15, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Croy, Alexander, and Goldstein in view of Ito (U.S. Publication No. 2001/0029540, published October 11, 2001). Applicants respectfully disagree.

The Examiner concedes that Croy, Alexander, and Goldstein fail to disclose changing the format specified by the extracted metadata. In order to cure the Examiner's perceived deficiency, Ito is cited.

Ito discloses in a sound data setting apparatus for setting an output format of each sound to output sounds corresponding to a plurality of sound data, metadata indicating contents of each sound data is acquired and an output format of a sound concerning the sound data corresponding to the metadata is set on the basis of each metadata.

As stated above in Section II. B., Croy, Alexander, and Goldstein fail to teach "the metadata processing application of the auxiliary display device changing the displayed predefined image on a periodic basis". Ito does not cure this deficiency. As such, the combination of Croy, Alexander, Goldstein, and Ito fails to render claims 5, 15, and 25 obvious. Therefore, claims 5, 15, and 25 are patentable over Croy, Alexander, Goldstein, and Moore.

Conclusion

Having fully responded to the Office action, the application is believed to be in condition for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

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